

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

10 UNITED STATES OF AMERICA,)
11 Plaintiff,) CASE NO. CR06-319JLR
12 v.)
13) DETENTION ORDER
14 TRUNG THANH LE,)
a.k.a. KIET,)
15 Defendant.)

Offenses charged:

Count I: Conspiracy to Distribute Marijuana, in violation of Title 21, U.S.C., Sections 841(a)(1), 841(b)(1)(A), and 846; and

Count II: Conspiracy to Engage in Money Laundering, in violation of Title 18, U.S.C., Section 1956(h).

Date of Detention Hearing: September 28, 2006.

The Court, having conducted a contested detention hearing pursuant to Title 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which the defendant can meet will reasonably assure the appearance of the defendant as required and the safety

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1 of any other person and the community. The Government was represented by Ye-Ting
 2 Woo. The defendant was represented by Hugh Berry.

3 The Government moves for detention, noting strong evidence supporting the
 4 alleged criminal activity of the defendant. Surveillance of the defendant reveals daily
 5 activity in furtherance of the conspiracy, including wiretapped telephone calls and delivery
 6 of marijuana and/or proceeds from the sale of marijuana. Additionally, the Government
 7 asserts that this criminal activity is corroborated by the firearm and five (5) pounds of
 8 marijuana found and seized at the defendant's residence during execution of a search
 9 warrant, noting that he currently resides with a co-defendant in the pending matter. The
 10 Government contends that the defendant has unstable and sporadic employment with no
 11 legitimate income reflected on the record.

12 The defendant argues for release, maintaining that there was no factual
 13 documentation presented in court that the defendant was a courier in the alleged conspiracy.
 14 The defense offers that the defendant has significant ties to this district, giving reference to
 15 the family members present in court, and has been offered an opportunity to work for his
 16 brother upon defendant's release.

17 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

18 (1) There is probable cause to believe the defendant committed the
 19 conspiracy drug offense. The maximum penalty is in excess of ten years.
 20 There is therefore a rebuttable presumption against the defendant's
 21 release based upon both dangerousness and flight risk, under Title 18
 22 U.S.C. § 3142(e).

23 (2) Nothing in this record satisfactorily rebuts the presumption against
 24 release for several reasons: Using the factors below, under Title 18 §
 25 3142 (g), the Court considered the following:
 26 (a) The nature and circumstances of the offense charged, including

whether the offense is a crime of violence or involves a narcotic drug. The instant offense is a conspiracy drug offense. The intertwining relationship of the co-defendants indicates close friends, roommates and family members who have all been charged with either conspiracy to distribute marijuana and/or laundering large sums of cash. The unknown and undisclosed locations of these large sums of cash is under continued investigation, heightening the Court's concern of the defendant's access to monetary resources which may be used to facilitate flight. It should be noted that one co-defendant in this matter has reportedly already fled to Vietnam to avoid prosecution.

(b) The weight of the evidence. There is substantial evidence corroborating the instant charges, including surveillance of the defendant's daily activities and the seizure of drugs and a firearm from his residence.

(c) The history and characteristics of the person. In the Court's view, the ties the defendant has to this district as evidence of his reliability to make court appearances are undermined when the same people are implicated in this conspiracy. Additionally, the lack of stable employment is a de-stabilizing factor.

(d) Risk of danger to the community. The nature of the instant offense consists of a drug conspiracy and money laundering involving large sums of cash. This poses a risk to the community.

(3) Based upon the foregoing information, it appears that there is no condition or combination of conditions that would reasonably assure future Court appearances and/or the safety of other persons or the

1 community.

2 **It is therefore ORDERED:**

3 (1) The defendant shall be detained pending trial and committed to the
4 custody of the Attorney General for confinement in a correction facility
5 separate, to the extent practicable, from persons awaiting or serving
6 sentences or being held in custody pending appeal;

7 (2) The defendant shall be afforded reasonable opportunity for private
8 consultation with counsel;

9 (3) On order of a court of the United States or on request of an attorney for
10 the Government, the person in charge of the corrections facility in which
11 the defendant is confined shall deliver the defendant to a United States
12 Marshal for the purpose of an appearance in connection with a court
13 proceeding; and

14 (4) The clerk shall direct copies of this order to counsel for the United
15 States, to counsel for the defendant, to the United States Marshal, and to
16 the United States Pretrial Services Officer.

17 DATED this 29th day of September, 2006.

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21 Monica J. Benton
U.S. Magistrate Judge
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